

**STATE COASTAL CONSERVANCY  
PUBLIC MEETING MINUTES**

February 3, 2006  
10:00 am  
City Hall – Council Chambers  
211 8<sup>th</sup> Street  
Seal Beach, CA

**MEMBERS PRESENT:**

Douglas Bosco (Public Member), Chair  
Jeremy M. Hallisey (Public Member)  
Ann Notthoff (Public Member)  
Karen Scarborough (Designated Representative, Resources Agency)  
Meg Caldwell (California Coastal Commission, Chair)  
Fred Klass (Designated Representative, Department of Finance)

**OVERSIGHT LEGISLATORS PRESENT:**

No Oversight legislators were present

**OTHERS PRESENT:**

Sam Schuchat, Executive Officer  
Pat Peterson, Deputy Attorney General  
Jack Judkins, Legal Counsel

**2. APPROVAL OF MINUTES:**

The Minutes of the December, 8, 2005 public Meeting were approved without change.

**3. LOS CERRITOS WETLAND COMPLEX**

Mary Small of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff recommendation: Paul Yost, Council Member, City of Seal Beach; John Bayorsky, City Manager, City of Seal Beach; Jerry Tone, Hellman Properties; Don May, California Earth Corps; Mary Purcell, El Dorado Chapter of the Audubon Society; Belinda Faustinos, Rivers and Mountains Conservancy.

Board member Meg Caldwell moved that this agenda item be approved with the Resolution and Findings revised to read as follows:

Resolution:

“The State Coastal Conservancy hereby authorizes the Executive Officer to enter into a joint exercise of powers agreement with the City of Long Beach, the City of Seal Beach, and the Los Angeles and San Gabriel Rivers and Mountains Conservancy, establishing the Los Cerritos Wetlands Authority for the purpose of acquiring and restoring the Los Cerritos Wetlands complex. The Conservancy authorizes the Executive Officer or his designee to serve on the Governing Board of the Los Cerritos Wetlands Authority. The Conservancy shall annually review the status and accomplishments of the Los Cerritos Wetlands Authority.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed Los Cerritos Wetlands Authority would be consistent with and help to carry out the Los Cerritos Wetland Enhancement Plan approved by the Conservancy on June 25, 2001, and Chapters 6 and 8 of Division 21 of the Public Resources Code.
2. The proposed authorization is premised on the unique facts associated with the Los Cerritos Wetlands and is not intended as precedent for future Conservancy action .”

The motion was seconded and approved by a vote of 6-0.

#### **4. CALIFORNIA COASTAL AND MARINE MAPPING INITIATIVE**

Marina Cazorla of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million two hundred thousand dollars (\$1,200,000) to the Monterey Bay Sanctuary Foundation, to fund data acquisition for near- and offshore substrate and marine habitat mapping along the northern Central California Coast, subject to the condition that prior to disbursement of Conservancy funds, the Monterey Bay Sanctuary Foundation shall submit for the review and written approval of the Executive Officer of the Conservancy a project work program, budget and timeline, and the names of any contractors and subcontractors to be retained to carry out the project work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding integrated coastal and marine resource protection.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Monterey Bay Sanctuary Foundation is a private nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

## **5. MORRO BAY ECOSYSTEM BASED MANAGEMENT PROGRAM**

Tim Duff of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Dr. Dean Wendt, California Polytechnic State University, San Luis Obispo.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to \$500,000 to the California Polytechnic State University Center for Coastal Marine Science (Cal Poly Foundation) for the development of the Morro Bay Ecosystem Based Management Program, subject to the condition that prior to disbursement of Conservancy funds, the Cal Poly Foundation shall submit for the review and written approval of the Executive Officer of the Conservancy a final work program, including a budget and schedule, the names of any contractors and subcontractors to be employed for these tasks, and evidence that all other funds necessary to complete the project have been obtained.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The project is consistent with Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220).
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Cal Poly Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

## **6. PIERSON RANCH**

Becky Wilson of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the City of Santa Rosa to construct instream habitat enhancement features and riparian planting along the Pierson Reach of the Prince Memorial Greenway project on Santa Rosa Creek, subject to the condition that the project shall not commence and no funds shall be disbursed for the project until the Executive Officer of the Conservancy has reviewed and approved in writing:

1. A project work program, budget, and timeline.
2. The names of any contractors the City will retain to carry out all or part of the project.
3. A signing plan that acknowledges Conservancy funding.
4. Documentation that the City has obtained all permits and approvals required for the project under federal, state, and local law.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration as adopted on January 24, 2006 by the City of Santa Rosa, and as attached to the accompanying staff recommendation as Exhibit 2, and finds that there is no substantial evidence that the implementation of the Greenway Pierson Reach project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved by a vote of 6-0.

## **7. CALIFORNIA OCEAN PROTECTION COUNCIL (OPC)**

Neal Fishman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“With respect to funds appropriated or awarded to the Conservancy for the purpose of ocean protection, consistent with the California Ocean Protection Act, the State Coastal Conservancy hereby delegates authority to the Executive Officer to expend these funds through contracts, grants

or other means to hire staff, complete studies and plans, and for related activities necessary to administer the affairs of the California Ocean Protection Council (OPC), provided such activity has been authorized by the OPC, and provided the Conservancy is not legally required to make findings under the California Environmental Quality Act or other applicable law.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The delegation is consistent with the authority of the Conservancy under Section 31103 of the Public Resources Code and 14 California Code of Regulations Section 13734 to appoint an Executive Officer to administer the affairs of the Conservancy and to carry out its functions under Division 21 of the Public Resources Code.
2. The delegations are consistent with Division 26.5 of the Public Resources Code and will help to carry out the Conservancy’s obligations under section 35625 to provide staff services that the California Ocean Protection Council needs to carry out Division 26.5.”

Moved and seconded. Approved by a vote of 6-0.

## **8. CONSENT ITEMS:**

### **A. TURTLE ISLAND NETWORK**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to Turtle Island Network, for the development of a watershed interpretive center, subject to the condition that the project shall not commence and no funds shall be disbursed for the project until:

1. The Executive Officer has reviewed and approved in writing:
  - a. A project work program, budget, and timeline.
  - b. The names of any contractors Turtle Island Network will retain to carry out all or part of the project.
  - c. A signing plan that acknowledges Conservancy funding.
  - d. Documentation that Turtle Island Network has obtained all permits and approvals required for the project under federal, state and local law.
2. Turtle Island Network has entered into and recorded an agreement pursuant to Public Resources Code Section 31116(c) to protect the public interest in improvements funded under this grant.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4,5 of the Public Resources Code (Sections 31160-31164) regarding the resource goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Turtle Island Network is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

## **B. WHITE POINT NATURE PRESERVE INTERPRETIVE CENTER**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Palos Verdes Peninsula Land Conservancy (PVPLC) to redevelop a former Nike Missile Assembly and Testing Building into the White Point Nature Preserve Interpretive Center, subject to the following conditions:

1. Prior to disbursement of any funds, PVPLC shall submit for review and approval of the Executive Officer of the Conservancy:
  - a. A PVPLC Board resolution approving the terms of the grant from the Conservancy for the project;
  - b. Evidence that the PVPLC has obtained all necessary permits and approvals.
  - c. A final work plan (including the names of any subcontractors to be used in the completion of the project), and a project schedule and budget.
  - d. Evidence that PVPLC has secured the necessary funding to complete the project.
2. The improvements shall be maintained by the PVPLC consistent with its White Point Park operating agreement with the City of Los Angeles.
3. PVPLC shall insure compliance with mitigation measures A-4 and A-5 regarding interpretive displays and maintenance and monitoring procedures, Final EIR § 4, p. 4 (Exhibit 6).”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Section 31119 of Division 21 of the Public Resources Code regarding awarding grants for purposes of undertaking educational projects that relate to the preservation, protection, enhancement, and maintenance of coastal resources; and
2. The proposed project is consistent with the Project selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The Palos Verdes Peninsula Land Conservancy is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose corporate purposes are consistent with Division 21 of the California Public Resources Code.
4. The Conservancy has independently reviewed and considered the project's record, the City of Los Angeles Environmental Impact Report, certified on December 12, 2001. Conservancy finds that the project as designed avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no evidence that the White Point Nature Preserve Interpretive Center project may have significant adverse effects on the environment.
5. The Conservancy finds the project as proposed will not have adverse effects on fish and wildlife resources as defined in California Fish and Game Code Section 711.2 and 14 California Code of Regulations Section 753.5(d)."

### **C. WILLOW CREEK STATE PARK**

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the Stewards of the Coast and Redwoods for the continuation of the Willow Creek Docents Program for Willow Creek State Park.

Prior to the disbursement of any Conservancy funds:

1. The Executive Officer of the Conservancy shall approve in writing a work plan, budget and project schedule, and any contractors and subcontractors to be employed in the project.
2. The grantee shall provide a signing plan for the project, to include appropriate acknowledgement of the Conservancy."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Conservancy's Project Guidelines and Selection Criteria adopted by the Conservancy on January 24, 2001.

3. Stewards of the Coast and Redwoods is a nonprofit organization existing under Section 501 (c) (3) of the Internal Revenue Service Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

#### **D. MENDOCINO INTERACTIVE UNDERWATER PROGRAM**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the State Department of Parks and Recreation (DPR) of an amount not to exceed fifty-six thousand dollars (\$56,000) to purchase equipment for the Mendocino Interactive Underwater Program, subject to the following conditions:

1. Prior to the disbursement of any funds, DPR shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. A work program, budget and schedule, and the names of any contractors to be employed in carrying out the work.
  - b. Evidence that all necessary permits and approvals have been obtained.
  - c. A signing plan for the project acknowledging Conservancy participation.
2. DPR has provided assurances that adequate staffing has been assigned to this project and all the funds necessary to implement the project for no less than 3 years have been secured.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of the Public Resources Code (Sec 31220), regarding the Conservancy’s authority to protect and restore marine resources.
2. The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

#### **E. MOAT CREEK AND ROSS CREEK**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ten thousand dollars (\$10,000) to the Moat Creek Managing Agency for operation, maintenance and management of the Moat Creek and Ross Creek public shoreline access sites and associated lateral trails.”

Findings:



“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project to authorize funds to the Moat Creek Managing Agency to operate, maintain and manage public shoreline access areas is consistent with Public Resources Code Sections 31400 through 31400.3.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Moat Creek Managing Agency is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, whose principal charitable purposes - - the preservation of and promotion of access to public lands and tidelands - - are consistent with Division 21 of the Public Resources Code
4. The project serves greater than local needs.”

#### **F. SOUTH SAN FRANCISCO BAY SALT POND**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$4,651,200 for the South San Francisco Bay Shoreline Study, undertaken in conjunction with the US Army Corps of Engineers and the Santa Clara Valley Water District, and for the South Bay Salt Pond Restoration planning, pursuant to a Memorandum of Agreement providing for reimbursement of these funds to the Conservancy by the Santa Clara Valley Water District.

The State Coastal Conservancy hereby further authorizes the disbursement of up to \$250,000 to the San Francisco Estuary Institute for technical studies related to mercury contamination in the South Bay, including \$146,000 from Conservancy funds authorized on September 8, 2005 for the South San Francisco Bay Shoreline Study, and \$104,000 from the Santa Clara Valley Water District.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource goals of San Francisco Bay Area.
2. The project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. SFEI is a nonprofit organization existing under the provisions the U.S. Internal Revenue Code Section 501(c)(3), whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Consent items approved by a vote of 6-0.

## **9. EXECUTIVE OFFICER'S REPORT**

- a. Coastal Conservancy Easement Standards presented by Deputy Executive Officer Steve Horn. Memorandum to the Conservancy dated February 3, 2006 is attached.
- b. Board members reminded to submit their certification of completion of Ethics Orientation for state Officials

Ann Notthoff left the meeting at 12:20 pm

## **10. DEPUTY ATTORNEY GENERAL'S REPORT**

Geffen settlement has been finalized and signed by all parties. The lawsuit has been dismissed without prejudice.

## **11. BOARD MEMBER COMMENTS**

Karen Scarborough asked if the Coastal Trail Logo had been approved?

## **12. PUBLIC COMMENT**

Mary Purcell, El Dorado Chapter of the Audubon Society gave a slide presentation – Los Cerritos Wetlands

## **13. CLOSED SESSION**

There was no closed session

## **14. ADJOURNMENT**

The meeting was adjourned at 12:30 pm.



February 3, 2006

**TO:** Coastal Conservancy

**FROM:** Steve Horn

**Deputy Executive Officer**

**SUBJECT: Executive Officer's Report:  
Conservancy Easement Standards and Practices**

At the December 2005 meeting the Conservancy requested a discussion of the contents of conservation easements employed by and/or funded by the Conservancy pursuant to Board authorizations. This memo is intended to initiate that discussion by providing information on current Conservancy practices.

In general, the Conservancy staff believes that the grant agreement and conservation easement forms that we currently employ provide a high degree of assurance that the State will be able to enforce the terms of its agreements with easement-holders and landowners. The specific terms of conservation easements may vary with each property, but all of these easements will have some basic components as described below.

#### Purposes of Conservation Easements and Grant Agreements

The discussion should involve both conservation easements and Conservancy grant agreements because these documents function together

where a project is being carried out by another organization using Conservancy funds.

Through its grant agreements and through conservation easements funded by those grants, the Conservancy assures that the projects that it authorizes will comply with the requirements of Division 21 of the Public Resources Code and with other State and federal statutes, administrative guidelines and procedures. The Conservancy has developed the form and content of its grant agreements

over its thirty-year history, modifying the “standard” form of these documents many times in response to new laws, changing procedures of other agencies, and the lessons of experience. Conservation easements have been produced by the Conservancy itself for dozens of direct acquisitions, and Conservancy staff members have reviewed and critiqued the easements proposed by many other agencies.

Both easements and grant agreements are enforceable legal instruments intended to protect the public interest and to achieve specific public purposes. Much of the content of the grant agreements is directed at minimizing risks to the State’s interests through provisions including controls over the disbursement of funds, express limitations on tort liabilities, control over assignments or delegations of responsibility to third parties, rights of project inspection, financial auditing and early termination of the grant agreement. Much of the content of conservation easements describes the purposes intended to be achieved and the ways in which the landowner and the easement-holder will act in accord with those purposes. The property-interest rights and obligations of the landowner and the easement-holder, together with the contractual rights and obligations of the (grantee) easement-holder and the Conservancy, assure the public that the conservation protection that has been purchased will have a reasonable likelihood of permanence.

### Basic Conservation Easement Components

Conservation easements used or approved by the Conservancy include the following four components:

1. Statement of Conservation Purposes: what are the conservation values to be protected, and what would be the public significance of protecting them?

2. Description of Specific Restrictions and Rights: what rights are being purchased by the easement-holder, and what rights are being retained by the landowner?

3. Compliance Monitoring: what are the rights and responsibilities of the landowner and the easement-holder in administering compliance with the purposes and specific restrictions of the easement?

4. Enforcement: what are the procedures to remedy conditions of noncompliance?

The complete easement document also includes a variety of clauses that describe in detail the mechanics of making the easement work, including provisions for: the amendment, extinguishment or transfer of the easement; the interaction between the easement and other existing or future property interests; the formal notification procedures between the parties; the mutual understandings with respect to relevant provisions of law; and so forth. Depending upon the purpose of the easement, there may be detailed requirements concerning continuing economic activity by the landowner, such as management plans for logging or intensive agriculture.

Given these basic components, however, each conservation easement will be “unique” - - it must be tailored to the physical/administrative conditions of a specific site and to the specific purposes of the public for that site, and it must be negotiated to agreement with a landowner.

### Working with Conservation Partners

The conservation easement projects funded by the Conservancy usually involve partnerships with local governments, other State agencies and/or nonprofit land trusts. Most of these organizations have experience with conservation easements and preferred ways of drafting these documents. While there is generally agreement concerning the necessary contents of conservation easements (as outlined above), the “standard” legal phrasing often varies from organization to organization. Each easement is also site-specific and consequently somewhat unique. To create a satisfactory product, in every easement project the Conservancy legal staff works to merge our forms of agreement with those of our partners. This process takes

some time but it is probably not avoidable if we are to get the benefits of these voluntary conservation partnerships. It is also by this iterative process that we are able to draw upon the experiences of other agencies and thus improve our own standards.

Some of the influences that come from our conservation partners:

1. A nonprofit land trust is frequently the holder of a conservation easement and consequently the party responsible for ongoing interaction with the landowner. It follows that in creating the easement document, nonprofits are often concerned with those parts of the easement that detail the rights and responsibilities of the underlying private landowner and that specify the kinds of active oversight that will be expected of the easement-holder.
2. Other State agencies are often, like the Conservancy, in the role of funding the acquisition of easement rights by third parties - - nonprofits or local government agencies. They are concerned with clarifying the enforcement mechanisms that will protect the State's investment, and with specifying the role of State employees in monitoring compliance with the easement terms.

### Conservancy Grants for Acquisition of Conservation Easements

The Conservancy is authorized to provide grants to public agencies and nonprofit organization for the acquisition of interests in land, including conservation easements. Under provisions of Division 21 of the Public Resources Code and appropriations of funds to the Conservancy in annual budget acts, the Conservancy is charged to specify essential terms and conditions of a grant and to provide for a "reversionary" interest in the State if any of these essential terms and conditions are violated. For example, Public Resources Code Section 31116 (b) requires, in the case of a grant to a nonprofit organization for land acquisition, that the purchase price not exceed fair market value of the interest acquired; that the Conservancy approve the terms and conditions under which the interest is acquired; that the interest may not be transferred or used as security for a debt without Conservancy approval; and that upon violation of any essential term or condition, title to all interest acquired with state funds immediately vest in the State. Conservancy staff ensures that all essential terms and conditions of a land-acquisition grant are specified in the grant agreement and in

recorded documents that provide for this vesting in the event of a violation. In the case of conservation easements, this language is typically included within the body of the easement document. The Conservancy's right to take title to the easement, or to designate another public agency or nonprofit organization to do so, can be exercised upon violation of any of the essential terms and conditions specified in section 31116(b) or upon violation of a material provision of the conservation easement, in the event the easement-holder fails to enforce or correct the violation itself.

### Continuing Improvement

The Conservancy staff is active in efforts to improve the effectiveness of conservation easements and grant agreements. Our nonprofit and public agency partners are also trying to do so.

Nonprofit land trusts have joined together to develop appropriate standards for creating and managing conservation easements. In 2004, following several years of committee work, the national group that represents more than 1,500 land trusts, the Land Trust Alliance (LTA) based in Washington, D.C., promulgated its "Standards and Practices" guidelines. In part, those guidelines articulate how conservation easement transactions should be structured and how the nonprofit easement-holder should conduct its oversight. The principal purposes of these standards are to enable the nonprofits to assure landowners, donors and the Internal Revenue Service that the charitable purposes of the conservation easements will be achieved, and to assure themselves that courts will enforce these permanent restrictions.

The LTA conducts many training courses for nonprofits in order to facilitate these "best practices". The standards recommended by the LTA for conservation easements and easement-holding nonprofits include many of same requisites that characterize Conservancy transactions: clear statements of conservation purposes; "baseline" studies that document the conservation values; easement stewardship plans that include regular monitoring; clarification of the responsibilities and reserved rights of the underlying landowners; and specific enforcement procedures. The LTA has recently called for all land trusts to verify their intention and ability to conduct transactions according to these standards through a process of peer-review and accreditation.

State agencies have worked individually and together to improve our “forms” for both grants and easements, in response to the requirements of specific projects and in response to external pressures. As the number of these conservation projects has increased following public approval of bond acts in 2000 and 2002, this greater public profile has resulted in greater attention and scrutiny from the press, the legislature, academic institutions, conservation organizations, and the public. The greater number of these projects, and the larger number of multi-agency projects, has provided more opportunities for discussion among the legal and project staff members of the several conservancies, the Wildlife Conservation Board, the Department of Conservation, State Parks, etc.. The Conservancy staff is in on-going discussion with our colleagues concerning these matters.

There is not now any bill introduced or administrative mandate proposed that would require changes in Conservancy grant agreements and/or the conservation easements that are funded by them. We will report back to Board concerning any proposed changes that would be a substantial shift from existing practice.